REMARKS

Applicant thanks the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of a certified copy of the priority document submitted March 3, 2004.

Applicant also thanks the Examiner for considering the references cited with the Information Disclosure Statement filed March 3, 2004.

Amendments to the Specification

The specification has been amended by replacing the paragraph at page 15, line 10 to correct a typographical error in that paragraph. Applicant respectfully submits that no new matter has been added.

Amendments to the Claims

Claim 13 has been amended to make the preamble consistent with the method claim from which it depends.

Status of the Application

Claims 1-20 have been examined and rejected. Claims 1-20 are pending.

Rejections

I. Rejection under 35 U.S.C. § 112, first paragraph

The Examiner indicates that claims 5, 8-10, 15, and 18-20 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 5, 8-10, 15, and 18-20 were rejected as reciting a data reception procedure inconsistent with the

data transmission procedure because the transmission stage transmits only valid data. OA, p.2. Specifically, examiner states, "At transmission stage data is tested for valid or invalid condition, when valid, only valid data is transmitted." OA, p.2. Examiner concludes, "If that is so, at the reception side only valid data is received without the need for checking validity of data at the reception side." OA, p.2.

As the Examiner is aware, a transmitting stage may transmit valid data, but external influences, for example, electromagnetic radiation, may corrupt the transmitted data, or the transmitted data may represent a poor quality image resulting in invalid data from a transmitting station received at a receiving station. Further, the disclosed inventions are not limited to receiving data transmitted by another instance of the disclosed inventions. In a case where data may be received from a source other than another instance of the disclosed inventions, the reception side of the disclosed inventions will check the validity of the received data to determine if it is received picture data that can be displayed or whether substitute picture data should be displayed.

Therefore, since valid data may be transmitted but invalid data may be received, a need exists for checking the validity of data at the reception side. The subject matter of claims 5, 8-10, 15, and 18-20 is described throughout the specification, for example at page 11, line 24 - page 12, line 9, and page 24, lines 1-10, in such a way as to enable one skilled in the art to make or use the invention. Accordingly, applicant submits that these claims comply with the enablement requirements of 35 U.S.C. § 112, first paragraph and respectfully requests that the rejections of claims 5, 8-10, 15, and 18-20 be withdrawn.

II. Rejection under 35 U.S.C. § 103(a) over JP 10-098702 to Tsunoda et al. ("Tsunoda") in view of JP 2002-354436 to Nakamura et al. ("Nakamura")

Claims 1-3, 7, 11-13, and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsunoda in view of Nakamura. To establish a prima facie case of obviousness the prior art references when combined must teach or suggest all the claim limitations. Applicant respectfully submits that Tsunoda in view of Nakamura neither teaches nor suggests all the elements of claims 1-3, 7, 11-13, and 17. Specifically, Tsunoda in view of Nakamura does not teach or suggest at least a processing section that makes a data transmission decision based on the validity of the picked-up picture data.

Tsunoda teaches a video conference device with a processing section that ***requires a user to manually choose*** to transmit the user's picture or an alternate picture based on a switch controlled by the user's physical positioning of a camera on the user's device. Tsunoda, para. [0017-0032] (***emphasis added***). Nakamura teaches a video telephone apparatus with a processing section that transmits a real image of the user or an alternative image ***based on the user's choice***. Nakamura, para. [0013-0015] (***emphasis added***).

Conversely, independent claim 1 recites "an ***image processing section which checks whether said picked-up picture data is valid or invalid***, retrieves said substitution picture data from said substitution picture storage section to output as transmission picture data when it is determined that said picked-up picture data is invalid, sets said picked-up picture data as said transmission picture data when it is determined that said picked-up picture data is valid, and encodes said transmission picture data." (***Emphasis added.***) Independent claim 11 recites

"encoding said picked-up picture data as transmission picture data ***when it is determined that said picked-up picture data is valid***, and substitution picture data as said transmission picture data when it is determined that said picked-up picture data is invalid." (***Emphasis added.***) In other words, the references teach embodiments that require the user to determine whether the picked-up picture or an alternative image is transmitted.

Therefore, since Tsunoda in view of Nakamura does not teach or suggest at least a processing section that makes a data transmission decision based on the validity of the picked-up picture data, Applicant respectfully requests that the 35 U.S.C. § 103(a) rejections of claims 1 and 11 be withdrawn.

As the Examiner is aware, if an independent claim is nonobvious under 35 U.S.C. § 103(a), then any claim depending therefrom is nonobvious. Since independent claims 1 and 11 are nonobvious, dependent claims 2, 3, and 7 depending from independent claim 1, and dependent claims 12, 13, and 17 depending from independent claim 11 are also nonobvious. In addition, dependent claims 2, 3, 7, 12, 13, and 17 are separately patentable over the prior art by reason of the additional limitations set forth therein. Accordingly, Applicants respectfully requests that the rejections of dependent claims 2, 3, 7, 12, 13, and 17 be withdrawn.

III. Rejection under 35 U.S.C. § 103(a) over Tsunoda in view of Nakamura, and further in view of JP 401213087A to Aida

Dependent claims 4, 6, 14, and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsunoda in view of Nakamura as applied to claims 1 and 11 above, and further in view of Aida.

As the Examiner is aware, if an independent claim is nonobvious under 35 U.S.C. § 103(a), then any claim depending therefrom is nonobvious. Since independent claims 1 and 11 are nonobvious, dependent claims 4 and 6 depending from independent claim 1, and dependent claims 14 and 16 depending from independent claim 11 are also nonobvious. In addition, dependent claims 4, 6, 14, and 16 are separately patentable over the prior art by reason of the additional limitations set forth therein. Accordingly, Applicants respectfully requests that the rejections of dependent claims 4, 6, 14, and 16 be withdrawn.

IV. Rejection under 35 U.S.C. § 103(a) over Tsunoda in view of Nakamura and Aida, and further in view of JP 2002-077840 to Kato et al. ("Kato")

Dependent claims 5 and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsunoda in view of Nakamura and Aida as applied to claims 1 and 11 above, and further in view of Kato.

As the Examiner is aware, if an independent claim is nonobvious under 35 U.S.C. § 103(a), then any claim depending therefrom is nonobvious. Since independent claims 1 and 11 are nonobvious, dependent claim 5 depending from independent claim 1, and dependent claim 15 depending from independent claim 11 are also nonobvious. In addition, dependent claims 5 and 15 are separately patentable over the prior art by reason of the additional limitations set forth therein. Accordingly, Applicants respectfully requests that the rejections of dependent claims 5 and 15 be withdrawn.

V. Rejection under 35 U.S.C. § 103(a) over Nakamura in view of Aida and Kato

Claims 8-10, and 18-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura in view of Aida and Kato. To establish a prima facie case of obviousness the prior art references when combined must teach or suggest all the claim limitations. Applicant respectfully submits that Nakamura in view of Aida and Kato neither teaches nor suggests all the elements of claims 8 and 18. Aida teaches an image processing section that determines the validity of picked-up picture data based on picture element taking-in range according to an average moving vector. Aida, abstract. Kato teaches "displaying the substitution picture data or received picture data ***depending on the user's choice***." OA, p.7 (***emphasis added***).

Claim 8 recites "said image processing section checks whether said reception picture data is valid or invalid, sets said reception picture data as a reception display picture when it is determined that said reception picture data is valid, and retrieves said substitution picture data to set said substitution picture data as said reception display picture when it is determined that said reception picture data is invalid, and outputs said reception display picture to said display section." Claim 18 recites "displaying said reception picture data when it is determined that said reception picture data is valid, and said substitution picture data when it is determined that said reception picture data is invalid." In other words, Nakamura in view of Aida and Kato teaches the display of reception picture data or substitution picture data based on the user's choice, while claims 8 and 18 recites a determination of the display of reception picture data or substitution picture data based on whether said reception picture data is valid or invalid.

Therefore, Nakamura in view of Aida and Kato neither teaches nor suggests all the elements of claims 8 and 18. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 103(a) rejections of claim claims 8 and 18.

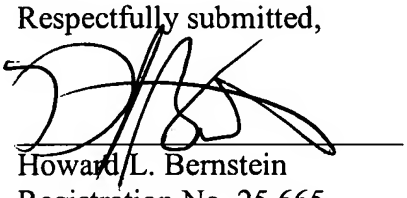
As the Examiner is aware, if an independent claim is nonobvious under 35 U.S.C. § 103(a), then any claim depending therefrom is nonobvious. Since independent claims 8 and 18 are nonobvious, dependent claims 9 and 10 depending from independent claim 8, and dependent claims 19 and 20 depending from independent claim 18 are also nonobvious. In addition, dependent claims 9, 10, 19, and 20 are separately patentable over the prior art by reason of the additional limitations set forth therein. Accordingly, Applicants respectfully requests that the rejections of dependent claims 9, 10, 19, and 20 be withdrawn.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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